

SENATE BILL NO. 187

BY SENATOR HEITMEIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 32:361.2, relative to motor vehicle equipment; to provide
3 relative to medical exemptions from prohibitions on certain window tinting; to
4 provide relative to the contents of an affidavit for such medical exemption; to require
5 certain information; to provide for certain departmental and board actions; to provide
6 for violations; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:361.2 is hereby amended and reenacted to read as follows:

9 §361.2. Medical exemption

10 A.(1) The provisions of R.S. 32:361.1 do not apply to a motor vehicle
11 registered in this state where the registered owner, spouse or family member
12 operating or authorized to operate the motor vehicle has an affidavit signed by an
13 optometrist or physician, including but not limited to an ophthalmologist or
14 dermatologist licensed to practice in this state stating that such person has a physical
15 or medical condition involving the effects of the sun that makes it necessary to equip
16 the motor vehicle with sun screening material which would be of a light transmission
17 or luminous reflectance in violation of R.S. 32:361.1. A copy of the affidavit shall
18 be kept in the motor vehicle at all times.

19 **(2) The affidavit, prepared by the office of state police, shall list the**
20 **World Health Organization International Classification of Disease ICD-9-CM**
21 **recognized conditions that would qualify an individual for a medical exemption**
22 **under this Section. Included on the affidavit shall be a section for the**
23 **optometrist or physician, including but not limited to an ophthalmologist or**
24 **dermatologist licensed to practice in this state, to describe a medical condition**

1 that is not listed on the affidavit as a condition requiring a medical exemption
2 under this Section. The office of state police may seek the opinion of the
3 Louisiana Medical Advisory Board on whether to grant a medical exemption.
4 A copy of this affidavit shall be kept in the vehicle at all times.

5 (a) If the optometrist or physician, including but not limited to an
6 ophthalmologist or dermatologist licensed to practice in this state, finds
7 photophobia as the medical condition requiring the medical exemption provided
8 for in this Section, the optometrist or physician shall write in the appropriate
9 section why a correct pair of sunglasses will not provide the necessary
10 protection, and why the window tint will not affect the person's ability to drive
11 at night.

12 (b) An individual seeking the medical exemption shall sign a notarized
13 release authorizing the release to the department of all medical records dealing
14 with the exemption.

15 ~~(2)~~(3)(a) Any medical exemption granted shall be due to a diagnosed
16 condition made only by an optometrist or physician, including but not limited to an
17 ophthalmologist or dermatologist licensed to practice in this state, and such condition
18 shall be verifiable in the ~~American Medical Association Journal~~ World Health
19 Organization International Classification of Disease ICD-9-CM as a recognized
20 condition that would warrant an exemption pursuant to this Section.

21 (b) The secretary or his designated representative shall conduct a case-by-
22 case review of grants and denials and shall make such changes as he deems
23 necessary based on evidence presented to him by a person seeking an exemption.

24 (c) Any exemption granted under the provisions of this Section shall be
25 subject to review every three years unless deemed otherwise by the department.

26 (d) Persons convicted of violent crimes or drug offenses shall not be eligible
27 for a medical exemption. At the time of applying for the exemption, the applicant
28 shall provide written consent on a form approved by the Louisiana Bureau of
29 Criminal Identification and Information authorizing the bureau to release any
30 information contained in the applicant's criminal history record and identification

1 files to the office of state police for verification that the applicant has not been
2 convicted of a violent crime or drug offense.

3 (e) Any exemption issued shall be subject to administrative review and
4 possible cancellation as a result of a documented event involving a threat to police
5 officer safety.

6 B.(1) The affidavit shall include a description of the vehicle and shall be in
7 the possession of the person so afflicted, or the person's legal representative, at all
8 times while being transported in the motor vehicle or be kept within the described
9 vehicle.

10 (2) If a vehicle is traded or sold that is covered by an exemption, then the
11 person accepting the vehicle to be transferred shall be responsible for removing the
12 tint, unless the new owner has applied for and received an exemption.

13 C. Any medical exemption issued prior to January 1, 2005 shall expire one
14 year from the date of issuance.

15 D. Any exemption granted pursuant to this Section shall not apply to the area
16 below the top six inches of a motor vehicle windshield.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____